

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

JOSEPH FEATHERKILE,

Petitioner (s),

vs.

WARDEN, Warren Correctional Institution,

Respondent (s).

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Case Number: 1:04cv9-SJD

District Judge Susan J. Dlott

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Timothy S. Black. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on December 30, 2005 Report and Recommendations (Doc. 37). Subsequently, the petitioner filed objections to such Report and Recommendations (Doc. 39) and Respondent filed a response (Doc. 40).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendations should be adopted.

Petitioner's motion for voluntary dismissal of the petition (Doc. 34) is GRANTED to the extent that any claims stemming from petitioner's convictions in Case No. B-9907787 are subject to dismissal without prejudice whereas any claims stemming from petitioner's convictions in Case No. B-9905996 are subject to dismissal with prejudice.

IT IS SO ORDERED.

s/Susan J. Dlott  
Susan J. Dlott  
United States District Judge